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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

INNOVATION LAW LAB, *et al.*,

Plaintiffs,

v.

ALEJANDRO MAYORKAS, *et al.*,

Defendants.

CASE NO.: 3:19-CV-00807-RS

**JOINT STATUS REPORT AND REQUEST
TO CONTINUE HOLDING ORDER TO
SHOW CAUSE IN ABEYANCE**

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**PARTIES' JOINT STATUS REPORT AND REQUEST TO CONTINUE HOLDING ORDER
TO SHOW CAUSE IN ABEYANCE**

Plaintiffs Innovation Law Lab, *et al.*, and Defendants Alejandro Mayorkas, *et al.*, submit this status report, and respectfully request that the Court continue to temporarily hold in abeyance the Order to Show Cause issued by this Court on August 6, 2021. *See* ECF #131. Doing so will give the parties time to continue to meet and confer regarding outstanding issues presented by the case.

The Order to Show Cause directed Plaintiffs to respond, by August 16, 2021, as to why the instant case should not be dismissed as moot. The parties jointly moved to temporarily hold that deadline in abeyance to allow the parties to explore the possibility of resolving this case without further litigation. *See* ECF #132 (motion). As explained in that motion, Plaintiffs communicated to Defendants that they believe seven of the individual plaintiffs in this lawsuit remain impacted by the Migrant Protection Protocols ("MPP"). *See* ECF #132 at 2. Two are in ongoing removal proceedings in this country, seeking review before the Board of Immigration Appeals of removal orders they received after being placed in MPP; three are presently outside the country pursuant to removal orders they received after being placed in MPP; and two are outside the country after having withdrawn their applications for admission while under MPP. *Id.* at 2-3. The Court granted the parties' joint motion and instructed the parties to submit a joint statement by August 30, 2021. *See* ECF #133 (Order).

Thereafter, a federal district court in the Northern District of Texas held on August 13, 2021, that Secretary Mayorkas' June 1, 2021 rescission of MPP was illegal, vacated the rescission, and issued a nationwide injunction. *See Texas v. Biden*, No. 2:21-cv-0067, 2021 WL 3603341 (N.D. Tex. Aug 13, 2021), *stay denied*, *Texas v. Biden* No. 21-10806 (5th Cir. Aug. 19, 2021), *stay denied*, *Biden v. Texas*, No. 21-A-21 (S. Ct. Aug. 24, 2021). Pursuant to the injunction, the Department of Homeland Security must "enforce and implement MPP *in good faith*." *See* Fifth Circuit Order, No. 21-10806 (August 19, 2021) (internal quotation marks and citations removed, emphasis in original).

The parties filed a joint status report and request to continue to hold the Order to Show Cause deadline in abeyance. *See* ECF #135 (joint status report and request to hold deadline in abeyance). The Court granted the parties' request, and ordered an additional status report to be filed on September 13, 2021. *See* ECF #136 (order).

The parties currently continue to meet and confer. An order continuing to hold the Order to Show Cause in abeyance is therefore warranted. Accordingly, the parties request that the Court continue the temporary abeyance of the briefing deadline for the Order to Show Cause. The parties propose to submit another joint statement two weeks from today, on September 27, 2021.

Dated: September 13, 2021

Respectfully Submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on September 13, 2021, I electronically filed the foregoing with the Clerk of Court by using the District Court CM/ECF system. A true and correct copy of this joint status report and request to continue holding order to show cause in abeyance has been served via the Court's CM/ECF system on all counsel of record.

/s/ Judy Rabinovitz
Judy Rabinovitz